



**NOTICE AND CALL OF A MEETING OF THE  
TRINIDAD PLANNING COMMISSION & CITY COUNCIL**

The Trinidad Planning Commission and City Council will hold a  
specially scheduled joint meeting on

**TUESDAY AUGUST 2<sup>nd</sup>, 2016, AT 6:00 P.M.**

in Town Hall at 409 Trinity Street.

The following items will be discussed:

- I. ROLL CALL
- II. APPROVAL OF PLANNING COMMISSION MINUTES – June 20, 2016  
– June 30, 2015
- III. APPROVAL OF AGENDA
- IV. ITEMS FROM THE FLOOR
- V. AGENDA ITEMS

**Discussion / Decision / Public Hearing / Action**

- 1. VDU Ordinance Amendment: Discussion and action on the Planning Commission's final recommendations to the City Council.
- 2. Joint Planning Commission / City Council VDU Discussion: Question, answer and discussion regarding the Planning Commission's recommendation on the VDU Ordinance amendment.

- VI. COUNCIL REPORT
- VII. STAFF REPORT
- VIII. ADJOURNMENT

**APPROVAL OF MINUTES FOR:**

**JUNE 20, 2016 SPC  
JUNE 30, 2016 SPC**

**Supporting Documentation follows with: 9 PAGES**

**MINUTES OF THE SPECIAL MEETING OF THE**  
**TRINIDAD PLANNING COMMISSION**  
**Monday June 20th, 2016**

**I. CALL TO ORDER/ROLL CALL (6:00pm)**

Commissioners Present: Johnson, Pinske, Poulton,  
Commissioners Absent: Scott, Stockness  
Staff: City Planner Parker

**II. APPROVAL OF AGENDA**

***Motion (Johnson/Scott) to approve the agenda.***  
***Passed unanimously (3-0).***

**III. ITEMS FROM THE FLOOR**

None.

**IV. AGENDA ITEMS**

1. **VDU Ordinance Amendment:** Continued consideration of an amendment to the existing VDU Ordinance (§ 17.56.190 of the Trinidad Zoning Ordinance) and development of additional regulations to cap the number and/or density of VDUs in Trinidad. Specific topics may include, but are not limited to: cap, distance buffer, license transferability and enforcement.

Planner Parker stated that this is a true continuation of the previous week's meeting, and she has no new information to provide.

*Commissioner Questions*

Commissioner Johnson asks about the process for tonight's meeting. Chair Pinske responds that he does not expect that they will or should make any final decisions tonight, but work on specific recommendations with a focus on the four main outstanding issues: cap, distance buffer, license transferability and enforcement.

Chair Pinske notes that the Planning Commission has been working on this ordinance amendment for eight months based on recommendations made by the City Council. The original intent was to enhance the existing ordinance, and the Commission is nearing the end of the process. He wants to get specific language put together as well as the collective thoughts and recommendations of the Commission for the City Council.

*Public Comment*

S. Rotwein (53 N Westhaven) confirms that, as of now, no cap has been proposed in the C and PD zones. She supports a 150' buffer as measured from the center of a parcel. She also supports a cap of 15% of the housing units, but thinks that the housing count needs to include the permanent spaces in the two RV parks. She believes that the cap should allow for new VDUs to be established in appropriate locations, because Trinidad has always been a town for visitors. Rotwein feels that license transfers should be individually reviewed by the City. She also states that owners and managers can not be held responsible for guest behavior, referring to ordinance section 17.56.190.D.1.d.

L. Farrar (433 Ewing) requests that the Planning Commission re-review and consider previous public comments as part of their deliberations. She feels that it is important to require buffers between VDUs measured from property lines in order to address density issues; residents and neighbors are important.

#### *Commission discussion*

Chair Pinske started the discussion by summarizing his position on buffers. He feels that a buffer is important to reduce the clustering of STRs and alleviate some of the problems exacerbated by density, such as noise and traffic. He notes that only 4 of the existing 27 STRs in the UR zone appear to meet the 100 ft. buffer. He also notes that at the last meeting, the Commission voted to cap the number of STRs in the UR zone at 19. A reduction from the current 27 to 19 is substantial and could be complicated by a buffer requirement. He is interested in enacting a 'watch list,' which would be a consideration in whether to renew or transfer a license. He thinks that if a manager or owner is irresponsible with their STR, there should be clear consequences.

Commissioner Johnson clarifies that the Commission has only discussed and set caps for the UR and SR zones. He feels that it is important to have a city-wide cap in terms of preserving housing availability. Parker clarified that not all zones allow residences, such as the C zone. Commissioner Johnson continues that he thinks both a cap and buffer are important, but he is not sure of the best way to implement that. A lottery is one possibility, but he is not sure that is the best option, because there are existing VDUs that wouldn't meet the new standards but aren't causing problems. He thinks that another way to address some of the problems that arise from clustering would be to have more restrictions (occupancy, cars, etc.) on VDUs that don't meet buffers. He also feels it is important to periodically review the ordinance in the future.

Commissioner Scott thinks that it is important to discuss how to reduce the number of STRs to get to the cap. She states that only allowing one STR per owner would help. She emphasizes that enforcement is a big problem; she does not agree that there are STRs that aren't causing problems; the City just doesn't hear about them. She likes the idea of a lottery with a limited permit term, because it would be more fair, and she adds that current STR owners should not be eligible for the lottery.

Commissioner Johnson mentions the proposal suggested by Mayor Miller of a lottery with permit terms staggered over time as a possible solution. Parker suggests that the Commission should consider how a lottery would interact with other requirements such as the buffer. Commissioner Scott suggests that if the property drawn would not meet the buffer, another property would be drawn. Commissioner Pinske offers that there are going to be tough choices and not everyone will be happy with the end result, but a lottery would be unbiased. Commissioner Scott emphasizes that they should aim to make the process equitable for the most people.

Commissioner Johnson states that he is tired of hearing complaints about the STR complaint process; he would like to work on that outside of the ordinance and include that in the Commission's recommendations to the Council. Commissioner Pinske refers to the work that he and Commissioner Johnson did as a subcommittee towards that end. He suggests that occupants should be provided with a rule sheet that is specific to that STR and which includes consequences for breaking them. Commissioner Scott adds that the occupants or responsible person should be required to sign the rule sheet to indicate their agreement. Parker points out that a similar requirement has already been added to the ordinance ('Transmittal of Rules' within the STR standards section).

Commissioner Johnson brings the discussion back to the complaint process, stating that he would like to work on that personally. Commissioner Pinske offers to help. Commissioner Johnson states that his idea is to create a flowchart that details the process. He suggests that once the process is clarified, everyone will be on the same page and be able to move on from that issue. He does not think that the complaint process should be outlined in the ordinance, because it may need to change quickly, such as if the City hired an enforcement staff person. Commissioner Scott opines that it is important to ensure that all complaints are catalogued and possibly make them publically available. Parker notes that complaints are generally public, but that they can be made anonymously and sometime subject to some privacy restrictions.

A discussion of STR permit / license fees ensues. Commissioner Pinske thinks that it is important that fees cover the costs of inspections and other required staff time. Parker notes that there are some legal limitations on how fees are set and their amounts; fees generally need to be tied to the actual costs of City staff to process them. She suggests getting additional information from the City Attorney.

The discussion transitions into fines. Parker suggests that the Planning Commission recommendation to the Council include enactment of an administrative fine system. Commissioner Scott suggests that STR owners and managers should not benefit; if a renter's deposit is held back due to violations, the money should go to the City. Commissioner Johnson suggests that an up-front deposit be provided to the City for each STR, to be used for any necessary enforcement. He believes that owners and managers really need to be responsible. He also thinks that the current "Good Neighbor Brochure" is much too nice in tone, and it needs to be more serious and include consequences. Commissioner Pinske suggests that the brochure be personalized for each STR and that the responsible person must sign it.

Commissioner Pinske brings the discussion back to the primary topics of tonight's agenda. He confirms that there are only two existing VDUs located outside of the UR and SR zones, both of which are in the C zone. He feels that a buffer should be measured from the property lines. Commissioner Johnson asks about examples of lottery systems from other ordinances. Parker responds that she is not aware of any besides the Cannon Beach example they have seen, but she can research that topic. Commissioner Scott suggests that the lottery be done in the winter slow season. Commissioner Johnson notes that the renewal date has already been adjusted.

Commissioner Pinske states that one of the primary focuses of the Planning Commission has been to improve the enforcement process, with an emphasis on discouraging violations from occurring in the first place. Commissioner Scott suggests that the 'Good Neighbor Brochure' be changed to the 'Good Neighbor Contract.' Commissioner Johnson states that he gets annoyed when he hears owners or managers say that they can't control their guests' behavior. He suggests that check-in times be limited, such as to before 8 pm. The reason is that even a considerate group of people that comes to an unfamiliar location may inadvertently disturb neighbors by parking inappropriately, accidentally turning on flood lights, making noise, etc. That is also why he feels that it is important that a manager be there to meet the renters and show them around. This is part of that 'up front' enforcement, being proactive instead of reactive. Commissioner Pinske agrees. He thinks that with cell phones it would be easy to communicate delays, which makes a meet and greet requirement very doable. Based on his experience, it also makes for a positive experience for visitors. Commissioner Scott adds that campers can lose their State Park reservations if they show up late and don't notify the Park.

The topic of transferability comes up. Parker states that transferability may be a moot point with the proposed license term limit and lottery system. Commissioner Scott adds that she thinks that

transferability should still be limited so that owners can't transfer assets around during the life of the license. Commissioner Johnson feels that he needs more time to think about the idea of a lottery before deciding on transferability. He notes that people have purchased property with various plans for the future such as retirement or family trusts. If there is a maximum 5 year license term with the lottery and that is known up front, maybe transferability does not matter; but if there is no lottery or time limit, he doesn't think licenses should be transferable. He requests that the Planner research and provide examples of lottery systems from other jurisdictions. Commissioner Scott thinks that transferability should still be limited, even with a license term limit, in order to get down to the cap as quickly as possible. She states that someone can still speculate on property by entering the lottery and then selling for profit with the STR license if they get a license. Commissioner Johnson would still like to think about it some more and see some real data. He notes that the regulations can always be changed again in the future if necessary.

Commissioner Pinske feels that good progress was made at this meeting. Another special meeting in the next week or two is discussed. The process timeline was discussed. Commissioner Johnson would like to meet weekly and get the amendment to the Council soon. Commissioner Pinske suggested that the Council can also meet more than once a month to keep the process moving once they get the amendment. It is agreed that it is important to have all the Commissioners present for the last few meetings developing the final recommendations. Parker will work on arranging a meeting time for the following week, with a preference for the 29<sup>th</sup>.

#### **VI. CITY COUNCIL REPORT**

Nothing to report.

#### **VII. STAFF REPORT**

Nothing to repor.

#### **VIII. ADJOURNMENT**

Meeting adjourned at 7:55 p.m.

**Submitted by:**

**Trever Parker**

Acting Secretary to Planning Commission

**Approved by:**

---

**Mike Pinske**

Planning Commission Chair

**MINUTES OF THE SPECIAL MEETING OF THE**  
**TRINIDAD PLANNING COMMISSION**  
**Thursday June 30th, 2016**

**I. CALL TO ORDER/ROLL CALL (6:00pm)**

Commissioners Present: Johnson, Pinske, Stockness,  
Commissioners Absent: Poulton, Scott  
Staff: City Manager Berman, City Attorney Stunich, City Planner Parker

**II. APPROVAL OF MINUTES – May 31, 2016**

Commissioner Stockness notes a correction of "in" to "is" in the last sentence of page 7.  
Commissioner Johnson asked about the status of the VDU inspections, which is referenced in the minutes. City Manager Berman responds that they have all been inspected, but staff is still reviewing the results and following up on any discrepancies.

***Motion (Johnson/Pinske) to approve the minutes as amended.***  
***Passed unanimously (3-0).***

**III. APPROVAL OF AGENDA**

***Motion (Stockness/Johnson) to approve the agenda.***  
***Passed unanimously (3-0).***

**IV. ITEMS FROM THE FLOOR**

A. Grau (433 Ewing) would like an update on the Lake-Davies appeal. City Manager Berman responded that staff is currently reviewing the results of the inspections and license renewal applications. A report will be provided to the Planning Commission as soon as that is done.

K. Lake (435 Ocean) stated that her understanding was that the appeal would be addressed prior to the license renewals. The appeal was in February, and she is concerned about the lack of progress.

S. Rotwein (53 N. Westhaven) expresses appreciation for how Chair Pinkske has been running the meetings lately and keeping them on track. She continues to advocate for mediation between Ocean Ave. property owners. She also takes issue with a comment Commissioner Scott made at the last meeting that she didn't want VDU owners to be able to transfer / move assets around; Rotwein believes that is outside of the Planning Commission's business.

T. Davies (435 Ocean) is tired about hearing a push for mediation. It is a narrow-minded suggestion, because the problem goes beyond a neighborhood spat; it is a philosophical difference of opinion.

L. Farrar (433 Ewing) suggests that notifications for meetings need to be more timely. The agenda was only posted the day before, the email notice and packet materials did not go out until today. Scheduling and reviewing the materials take time.

J. Kitchen (56 Berry) seconds what L. Farrar just said. She noted that many VDU owners live out of town, and the lack of notice makes it hard for them to participate. She also stated that the meetings are stressful, and the process needs to be fair.

**V. AGENDA ITEMS**

1. **VDU Ordinance Amendment:** Continued consideration of an amendment to the existing VDU Ordinance (§ 17.56.190 of the Trinidad Zoning Ordinance) and development of additional regulations to cap the number and/or density of VDUs in Trinidad. Specific topics may include, but are not limited to: cap, distance buffer, license transferability and enforcement.

Planner Parker summarizes her memo and highlights a few things in the documents provided. She points out that she thinks that the ordinance is becoming too complicated, which makes it harder to understand, implement and enforce. She suggests that a discretionary permit process, such as what St. Helena has, would not be any more complex, but more fair than a lottery.

#### *Commissioner Questions*

Commissioner Stockness reads a brief excerpt from the St. Helena staff report provided in the packet, noting that the City of Napa has a Code Enforcement staff position. She thinks that if Trinidad had a dedicated code enforcement person, that would solve a lot of VDU issues.

Commissioner Johnson asks Planner Parker why she suggested discretionary permits for VDUs. Parker explains that with the proposed buffer, time limits, staggered permits, etc., a lottery will not actually be random and likely difficult and contentious to implement. It may eliminate VDUs that aren't causing problems in favor of ones that do, and may give an incentive to maximize the use of a VDU during the limited license term. Trinidad has a history of requiring discretionary review for a number of things (Design Review, View Restoration), so it is consistent with current permit processes. City Attorney Stunich agrees that a discretionary permit process would likely be more fair and defensible. Commissioner Johnson still doesn't see how it would be easier, since a VDU would still have to meet all the same criteria. Stunich responds that first a VDU would have to meet the minimum standards in order to qualify to apply for a discretionary permit. Johnson doesn't think a discretionary process makes sense for existing VDUs.

City Attorney Stunich explains that the courts give broad immunity for decisions on discretionary permits unless those decisions can be shown to be 'arbitrary and capricious.' Therefore, appeals and lawsuits are much less likely for reasonable decision making. Commissioner Pinske asks whether the City could deny a discretionary permit application on the basis that there are already too many VDUs nearby if there isn't a required minimum buffer in place. City Attorney Stunich responds that yes, the City would have broad discretion, and crowding would be a reasonable basis for denial; to protect public health and safety is always a good fallback.

Commissioner Johnson asks for the City Attorney's suggestion on how to get existing VDUs to within a cap and buffer given the fact that so many would not meet those criteria. Stunich responds that he does not think it is a big dilemma; just because someone currently has a VDU license now, there is no guarantee that they get to keep it. The City should provide some grace period (amortization period), and after that, everyone has to come into compliance. He thinks it would have to be 5 years or so, but will research that further.

#### *Public Comment*

A. Grau (433 Ewing) recounts an incident from the previous weekend wherein he was awoken at 11:30 p.m. by guests at a neighboring VDU. He stated that he texted the manager and the noise stopped soon after, but he was still woken up. He added that without a better complaint process and enforcement mechanism, this kind of thing could happen nightly without recourse. Mr. Grau suggests making noise violations a ticketable offence with the fine split between the complainant and the City. He noted that he enjoys hearing children playing at the STR and suggests that



Trinidad should be marketed as a family destination. He thinks that the new ordinance should get rid of the idea of incentivizing hosted STRs in favor of owner-occupied STRs. He suggests that the Planning Commission revisit the proposal submitted by Saving Trinidad's Neighborhoods. He doesn't think license transfers should be allowed, and advocates that licenses should be revoked after only two significant violations. He also notes that the City of Anaheim recently adopted an ordinance that phases out STRs over 18 months.

K. Lake (435 Ocean) is concerned about the term 'discretionary,' and is not sure what that means. She reiterates that the new Anaheim ordinance only gives 18 months for existing STRs to continue; 5 years is way too long. She states that the General Plan benefits residents, but STRs do not. She refers to an email from Coastal Commission staff stating that any more than 4 separate guests (rooms) is a change of use. She does not think licenses should be transferable.

L. Farrar (433 Ewing) would be more comfortable with the idea of a lottery if more communities used them. She feels that buffers are very important, and thinks that St. Helena is a good model. She states that 'discretionary' sounds like staff making back room deals though; she thinks that the neighborhood should get to approved STRs. She also opines that a 30% water use allowance (above the septic system design flow) is unwarranted and that STRs should have to abide by the same drought measures as everyone else.

J. Kitchen (56 Berry) understands Commissioner Johnson's dilemma of how to get existing VDUs into compliance with the new standards. After clarifying that the lottery would be some kind of random drawing, she states that that would make things very difficult for her business. She notes that Trinidad Retreats has been in business for around 20 years, and some of her clients have had VDUs for as long. She wants to stay in business and be able to stay in town. She doesn't think a lottery is fair for those that haven't been causing problems, so she is more in favor of a discretionary permit process. Mr. Grau's call was first she has had this season out of 20 homes; if VDUs are managed well, they can blend in with the community.

S. Rotwein (53 N. Westhaven) states that a lottery isn't fair, it's gambling. She feels the City needs to plan for land use, not gamble. Visitors add interest and diversity to the community, and most are respectful; this is supported by the low number of complaints relative to the number of nights VDUs are occupied. She points out that the trailer parks, which are the only areas designated visitor services in town, are now mostly providing long-term, low-income housing rather than overnight accommodations. Ms. Rotwein thinks that 5 years is not an unreasonable grace period and that the cap will be reached in a reasonable amount of time through attrition if permits aren't transferable, noting that there are fewer VDUs already than there were a year ago. Ms. Rotwein thinks that the City needs a noise ordinance that applies City-wide, not just to VDUs. She also feels that VDUs that are owner-occupied at least 9 months of the year should be in their own category with fewer restrictions. In addition, owners who live locally should be given preference on a waiting list or in a lottery. She is in support of a cap, but not the lottery; discretion would be better. Existing VDUs should be grandfathered into the new rules.

City Attorney Stunich suggests including language similar to the following: "If a VDU has been in existence, but does not meet current standards, they shall be allowed to apply for an exception." One of the criteria in granting that exception should be how well managed the VDU has been.

City Manager Berman clarifies that a "discretionary permit," as is being discussed, would be similar to a use permit, with notification to the neighbors and a public hearing before the Planning Commission with findings required for issuance. This is in contrast to the administrative / ministerial process used for the existing licenses. City Attorney Stunich adds that realistically, the City

wouldn't have to review that many discretionary permits / exceptions. Another advantage of that process is that findings for approval or denial are individual and adaptable to changing attitudes.

Do. Cox (436 Ocean) is concerned that existing VDUs will be granted an exception just because "they have always been there." She wonders if discretion only happens once, or would there be other chances to review. Commissioner Pinske notes that licenses must be reviewed and renewed annually.

#### *Commission discussion*

Chair Pinske would like to revisit the different possible definitions and ways to categorize VDUs, such as hosted and owner-occupied. He thinks that it would be a good idea to not subject owner-occupied/hosted rentals to the cap or minimum activity requirements. Parker explains the various, commonly used definitions. Owner-occupied is usually used to mean that the owner lives at the residence most of the year, but not necessarily while it is being rented. A hosted STR is one in which the owner or a manager lives onsite, in the STR or another unit, while the house is being rented. A homestay is the typical AirBnB rental, where the owner or tenant rents out a bedroom or two in their home. There is a discussion about the terminology. Commissioner Stockness wants to wait until all Commissioners are in attendance before deciding on this issue. Parker stated that in addition to the definitions, the Commission also needs to decide how the various standards apply, or not, to the different types of STRs.

The discussion moves on to transferability. Commissioner Pinske prefers that licenses not be transferable except between spouses and to children. He suggests that the ordinance could allow a new owner to apply to transfer a license, and the City could deny the transfer if the STR did not meet the new standards; however, he would prefer a strict limit on transfers. Commissioner Stockness agrees, but asks the City Attorney for his opinion. Stunich responds that anything reasonable, with a rational basis, would be okay; he has seen some very narrow language. He suggests that a good option may be to restrict transferability if the cap is met, but allow it if under the cap (which is unlikely). Commissioner Johnson suggests that in addition to spouse and children, transfers to a family trust should also be allowed.

Commissioner Pinske moves the discussion to enforcement. He notes that, by its nature, enforcement is complaint driven, but he thinks it is important for the City to be able to issue fines and other consequences to deter violations. Currently, the VDU ordinance just has a process for significant violations and license revocation. City Manager Berman summarizes the enforcement tools that the City currently has outside of the VDU ordinance. City Attorney Stunich adds that nuisance abatement can be a powerful tool, but can take significant resources, so it's generally only used for severe and ongoing violations. He clarifies that the City always has prosecutorial discretion when it comes to enforcement; the City is not obligated to enforce every violation. Parker suggests that the City should adopt some provisions for issuing administrative fines, which would be separate from the VDU ordinance.

City Attorney Stunich notes that, under the labor code, if someone appeals a decision of the Labor Board and loses, they are responsible for all the expenses of the appeal. He suggests that the City put something like that in place, which would discourage frivolous appeals, avoiding prolonging the enforcement process. Stunich reiterates that it is important for the City to have strong enforcement tools for STR violations, since it is harder for neighbors to bring a civic nuisance suite against revolving tenants. Commissioner Pinske asks whether that needs to be in the STR ordinance, or elsewhere in the City code. City Attorney Stunich responds that it could be addressed in several places, and the STR ordinance should be crafted to punish occupants and hold owners accountable.

Commissioner Stockness notes that crime and enforcement is a bigger problem than just VDUs. She notes the recent problems with crime in the Murphy's Market parking lot, and thinks the City should work more closely with the Sheriff's office and hire an enforcement staff person. City Attorney Stunich states that police don't generally get involved with civil disputes. He notes that the STR ordinance currently only contains civil remedies, and criminal remedies would have to be added in order to get the Sheriff involved, but that the City does not have an officer on duty at night when STR problems tend to occur. He adds that it could be a good threat to discourage violations. City Manager Berman likes the idea of administrative fines and would like City Attorney Stunich to provide his input and suggestions.

Commissioner Johnson points out that if the occupants, or owner, get fined, the owner can withhold the renters' deposit, which benefits the owner. He asks if it would be possible for the City to require a deposit from STR owners to be used to cover fines. City Attorney Stunich thinks not, but language could be included that the owner can be held financially liable for the City's costs to investigate complaints found to be valid. Stunich adds that he would strongly suggest such language. Commissioner Johnson agrees.

Commissioner Stockness has another obligation and leaves the meeting. There is no longer a quorum of Commissioners in attendance, but since no action will be taken, the remaining Commissioners follow-up with a few more questions for the City Attorney.

There is a brief discussion about including mandatory language in STR contracts that occupants must sign and acknowledge. City Attorney Stunich suggests that the City require a guest registry that includes the contact information of the responsible person so that neighbors can find out who to sue if there was a problem. The contract language should also include a disclosure that the information is not private.

There is a brief discussion of the process to get the Planning Commission recommendation to the Council. Chair Pinske requests staff to incorporate elements of tonight's discussion into the amendment. Planner Parker will work on arranging another meeting the following week.

## **VI. CITY COUNCIL REPORT**

Nothing to report.

## **VII. STAFF REPORT**

Nothing to report.

## **VIII. ADJOURNMENT**

Meeting adjourned at 7:20 p.m.

**Submitted by:**

**Trever Parker**

Acting Secretary to Planning Commission

**Approved by:**

---

**Mike Pinske**

Planning Commission Chair



## MEMORANDUM

**To:** Trinidad Planning Commission

**FROM:** Trever Parker, City Planner

**DATE:** July 25, 2016

**RE:** Final PC Recommendations on new STR Ordinance

This table, along with the amended VDU ordinance, represents the final recommendations of the Planning Commission to the City Council. I have incorporated the suggestions and votes from recent meetings along with some of the key reasons for those suggestions and decisions. For this meeting, you should consider whether any specific changes need to be made to this table or the ordinance before it goes to the Council. Then the Commission will vote on it as a whole.

ISSUE	PLANNING COMMISSION RECOMMENDATION	KEY REASONS	VOTE
Should there be any limit or cap on VDUs?	Yes	<ul style="list-style-type: none"><li>• Too many existing VDUs</li><li>• Change community character</li><li>• Neighborhood conflicts</li><li>• Decreased affordability</li><li>• Environmental Impacts</li><li>• Impacts to services</li></ul>	NA (general agreement)
Cap Details – How many, and what mechanism.	Fixed number by zone: <ul style="list-style-type: none"><li>• UR: 19 (15% of developed lots)</li><li>• SR: 6 (20% of developed lots)</li><li>• Note that percentages do not include second units</li></ul>	For: Similar reasons as above  Against: <ul style="list-style-type: none"><li>• Cap is too high</li><li>• Cap is unfair</li></ul>	4-1
Density / buffer restriction*	100 ft. from property lines (only within the UR zone)	For: <ul style="list-style-type: none"><li>• Reduce clustering/bottlenecks</li><li>• Increase neighbors/residents</li></ul> Against: <ul style="list-style-type: none"><li>• Buffer is unnecessary</li><li>• Buffer is too small</li></ul>	3-2

ISSUE	PLANNING COMMISSION RECOMMENDATION	KEY REASONS	VOTE
Treat owner-occupied and/or hosted* differently?	Overall, no. But there was no general agreement on how to categorize STRs. Generally they should all be subject to the same caps and standards, but may want to incentivize one or another type (e.g. get priority in the lottery).	<ul style="list-style-type: none"> <li>• Having a host present on the property reduces the likelihood of nuisance impacts (2)</li> <li>• Incentivizing owner-occupied benefits residents (1)</li> <li>• Limiting benefits to hosted, owner-occupied STRs does both of the above (1)</li> </ul>	2-1-1
Require 'activity' on License?	Yes - 60 days minimum activity (nights rented) per year.	<p>For: To ensure STRs (VDUs) are providing the intended benefits to visitors and providing TOT revenue to the City.</p> <p>Against: Unnecessary</p>	3-1 (While not present for the actual vote, the 5 <sup>th</sup> Commissioner is also in support)
License Term	<p>1) Annual renewals 2) With a 5 year maximum limit</p> <p>There was a suggestion to consider some sort of process to stagger the initial permit renewals (e.g. 2.5 and 5 years) so they don't all come up at once, but this complicates the lottery that is already affected by the buffer.</p>	<p>For:</p> <ol style="list-style-type: none"> <li>1) Review each year for compliance and complaints</li> <li>2) Increase opportunities for all property owners and easier to remove later than add if necessary</li> </ol> <p>Against (2):</p> <ul style="list-style-type: none"> <li>• Too limiting</li> <li>• Harms VDUs/STRs that aren't causing problems</li> </ul>	<p>1) 5-0 2) 3-2</p>
Transferability of Permits	Not transferable except for specific exceptions for immediate family (spouse, kids) and family trusts.	<ul style="list-style-type: none"> <li>• To reduce the influence of an STR license on property values</li> <li>• To allow more people a chance to have an STR</li> </ul>	5-0
If a cap goes into place that is lower than current VDU #, how do we get there?	<ul style="list-style-type: none"> <li>• Lottery after amortization period, with each existing VDU in the UR zone going into the pool.</li> </ul>	<p>For: Balance speed (to get to cap) and fairness</p> <p>Against:</p> <ul style="list-style-type: none"> <li>• Too complicated</li> <li>• Unnecessary</li> </ul>	4-1
How do we manage a waiting list for permits?	<ul style="list-style-type: none"> <li>• Lottery</li> </ul>	Fairness: gives everyone a chance	(same as above)

ISSUE	PLANNING COMMISSION RECOMMENDATION	KEY REASONS	VOTE
Other Issues*:	Enforcement was the big issue, but others included definitions, and other minor amendments (e.g. removing the hold harmless agreement)	To provide clarification and clean up some issues that have been identified during the initial implementation of the existing ordinance.	Most of these were staff suggestions
Complaint process*	Adopt a formal STR complaint process (outside of the ordinance) based on the model provided and post on the City's website	<ul style="list-style-type: none"> <li>• Ensure transparency</li> <li>• Ensure follow-up</li> <li>• Ensure all complaints are properly logged and tracked</li> </ul>	
Enforcement*	<ul style="list-style-type: none"> <li>• The definitions for complaints and significant violations were clarified</li> <li>• The City Manager was given explicit authority to adopt administrative rules and put problem properties on a watch list</li> <li>• Beef up the "Good Neighbor Brochure"</li> <li>• Require "Guest Registry"</li> <li>• Require a Responsible Person to sign and acknowledge rules</li> <li>• Require "Meet and Greet" by owner or manager</li> <li>• Suggest the City adopt a noise ordinance</li> <li>• Suggest the City enact a tiered system for issuing administrative fines</li> </ul>	<ul style="list-style-type: none"> <li>• It is important for the City to enforce STR regulations in order to maintain community compatibility</li> <li>• Neighbors have less recourse with STRs (e.g. civil suits) than with long term owners or tenants.</li> <li>• Having strong and clear consequences makes bad behavior less likely to occur in the first place</li> <li>• Ensure that the rules and consequences are adequately communicated to the occupants</li> </ul>	

\*Not part of the original Council recommendation table

TRINIDAD CITY HALL  
P.O. BOX 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

JULIE FULKERSON, MAYOR  
GABRIEL ADAMS, CITY CLERK



## **ORDINANCE 20##14-01**

### **AN ORDINANCE OF THE CITY OF TRINIDAD ADDING-REPEALING EXISTING SECTION 17.56.190 AND ADDING A NEW SECTION 17.56.190 AND AMENDING SECTION 17.56.060 TO OF TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (AMMENDING-REPEALING EXISTING SECTION 6.26 AND ADDING A NEW SECTION 6.26 AND AMENDING SECTION 6.06 OF TO THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE), AND AMENDING SECTION 17.56.060 OF THE TRINIDAD MUNICIPAL CODE (AMENDING SECTION 6.069 OF THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE)**

The City Council of the City of Trinidad does hereby ordain as follows:

#### **ORDINANCE 20162-0#1, SECTION 1:**

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, replacing the existing Section 17.56.190 (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26, replacing the existing Section 6.26), "City of Trinidad Vacation Dwelling Unit Short Term Rental Ordinance," which shall read as follows:

#### **Section 17.56.180 (6.26) Regulations for Vacation Dwelling Units Short Term Rentals**

##### **Sections:**

17.56.190 (6.26).A	Short Title
17.56.190 (6.26).B	Definitions
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).D	Application Requirements
17.56.190 (6.26).E	Effect on Existing Vacation Dwelling Units
17.56.190 (6.26).F	Location
17.56.190 (6.26).G	Non-Permitted Uses
17.56.190 (6.26).H	VDU Standards
17.56.190 (6.26).I	Tourist Occupancy Tax
17.56.190 (6.26).J	Audit
17.56.190 (6.26).K	Dispute Resolution
17.56.190 (6.26).L	Violations—Penalty
17.56.190 (6.26).M	Violations—Revocation
17.56.190 (6.26).N	Ordinance Review

##### **17.56.190 (6.26).A**

##### **Short Title.**

This Section shall be known and may be cited as "City of Trinidad Vacation Dwelling Unit Ordinance Short Term Rental Ordinance."

##### **17.56.190 (6.26).B**

##### **Definitions.**

#. Dwelling.

A single family dwelling, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

1. Good Neighbor Brochure.

Good Neighbor Brochure. "Good Neighbor Brochure" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the brochure shall include provisions for maximum occupancy and visitors, off-street parking, minimizing noise, establishing quiet hours, and minimizing disturbance to neighbors and environmentally sensitive habitat areas, and penalties for violations.

2. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings, of no more than the maximum allowed occupancy, of 20 people or less consistent with normal residential use.

#. Existing STR.

An STR that had a valid VDU license as of the effective date of this ordinance.

3. Occupant.

"Occupant" within this Section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein. ~~any person who exercises occupancy of a Vacation Dwelling Unit (VDU) Short Term Rental, or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a VDU shall be deemed to be a tourist until the period of 30 days has transpired. As used in this Section, "occupant" does not include children aged 5 or under.~~

#. Responsible Person.

Means the occupant of an STR who is at least twenty-five (25) years of age and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this Section.

4. Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days, or less.

#. Short Term Rental (STR)

"Short Term Rental" (STR) means a rental of any dwelling unit, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast (2) ongoing month-to-month tenancy granted to the same renter for the same unit, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

#. STR Watch List

"STR Watch List" means one or more Short Term Rentals that the City Manager has identified on the basis of good cause as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

6. Visitor.

"Visitor" means someone staying temporarily at a VDU, such as guests of occupants, but that is not an "occupant" and not staying at the VDU overnight.

**17.56.190 (6.26).C**

**Purpose.**

The purpose of this Section is to provide for the renting of single- and multi-family dwellings, and accessory dwelling units, for periods of thirty consecutive days or less, as transient visitor accommodations, consistent with all other provisions of the General Plan and Zoning Ordinance, and to



ensure that ~~Vacation Dwelling Units~~ Short Term Rentals are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

#### 17.56.190 (6.26).D

#### Application Requirements.

##### 1. Initial Application.

a. ~~Each VDU must procure a VDU License. Existing VDUs must obtain a VDU License within 3 months of the adoption of this ordinance. A VDU License issued pursuant to this Section shall also serve as a business license for rental activity pursuant to Chapter 5.04 of the Trinidad Municipal Code. The VDU License shall identify the existence of a VDU at a particular address and declare the number of bedrooms in the VDU and its intended maximum occupancy.~~

b. ~~A site plan and floor plan must be submitted along with the VDU License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter and includes any forms as required by the City Manager shall also be provided.~~

c. ~~At the time of application for a new STR, the dwelling shall be subject to inspection by the building official. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulation. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.~~

d. ~~Each application for a VDU License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify, defend and hold the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this Section.~~

e. ~~An initial VDU License Fee, as set by resolution of the City Council, will be charged for the first year of each VDU's operation.~~

f. ~~The City will notify~~ all property owners within 4300 feet of a VDU property of the VDU License within 107 working days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection 3.b below. STR License information, including license number, address, maximum occupancy and 24-hour contact, will be posted on the City's website.

g. ~~Upon initial application for a VDU License, the City shall provide all VDU licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation rental use of the residences. Such protective measures include, but not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.~~

##### 2. VDU-STR License Renewals.

STR licenses shall be renewed annually. Renewals must be submitted by on February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. The fee for annual renewals for subsequent years shall be set by resolution of the City Council. Any changes to the site plan, floor plan, allowable occupancy, or rental

agreement shall be submitted along with the license renewal application. Existing STRs that have not have an initial inspection as required by §17.56.190.D.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of a STR License for an existing VDU will be approved as long as all applicable standards are still met unless or until such time as the permit is revoked pursuant to §17.56.190.L (violations) or 17.56.190.H.12 (license activity requirement) or until the VDU license expires pursuant to 17.56.190.D.3 (property transfer) or if it is voluntarily withdrawn.

*(This section mentions staff review of complaints as part of the renewal process. This should probably have more detail if that is to be the case, such as if a property has had over a certain number of complaints, only a provisional license will be granted. There is more discussion of provisional licenses or a license watch list in the violations and enforcement section.)*

### 3. Initial License UR Zone Lottery.

After a amortization period, all existing STRs within the UR Zone will be subject to a lottery in order to bring the number down to the established cap. All existing STRs within the UR zone shall be allowed to participate in the lottery. The City shall draw the first STR at random, and that owner shall be allowed to renew their STR license in accordance with this section. After that, the City will continue to draw STRs at random until the cap is met. If an STR is drawn and it does not meet the buffer, as required by §17.56.190.G, from another STR that has already been drawn, then the owner will not be allowed to renew that STR license and another name will be drawn. This process shall continue until the cap is met or there are no more names to draw. Once all the names are drawn, those that did not meet the buffer requirement shall be allowed to apply for (an exception) in the order in which their STRs were drawn.

*(Since only the UR zone has a cap that is less than the existing number of VDUs, this section would only apply to the UR zone. I did not worry too much about the exact language at this time, which probably needs some tweaking, particularly if the lottery will be staggered.)*

### 3. License Transferability.

STR Licenses shall run with the landowner and shall automatically expire upon sale or transfer of the property, except that a one-time transfer between spouses, children or a family trust is allowed.

### 4. Application Wait List & Lottery

It is the City's intention to maintain 19 STR Licenses in the UR Zone and 6 in the SR Zone. When an STR license becomes available in one of those zones, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each zone, of property owners who are interested in obtaining a VDU License for their dwelling unit. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate zone. If the property meets the UR zone buffer restriction that owner will have 45 days to submit a complete VDU License application, along with any other associated permit applications (Use Permit, OWTS Operating Permit, etc.). If the property does not meet the UR zone buffer restriction, or if the person so selected does not obtain a VDU License within 180 days, the City will draw another name from the waiting list for that zone.

### 53. Contact Information.

#### a. Local Contact Person.

Each VDU must designate a local contact person on the VDU License form. That person may be either the owner or the property manager, and that person must live within 205 miles of Trinidad so that he/she can and be able to respond personally to an emergency within 30 minutes.

(Should the local contact person and 24-hour emergency contact be required to be the same? What is the difference between these? They both respond to emergencies.)

b. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 4300 feet of the VDU within 107 business days after the issuance or reissuance of a VDU License for the VDU.

The emergency contact information sent to neighbors may include further instructions in the case that a response from the 24-hour emergency contact number is not forthcoming. If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the an emergency through the 911 emergency calling system or the Police or Sheriff's Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

**17.56.190 (6.26).E Maximum Number of Short Term Rentals**

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, the total number of Non-hosted STR permits issued by the City pursuant to this Section shall not exceed 19 in the UR Zone and 6 in the SR Zone.

**17.56.190 (6.26).FF Effect on Existing Vacation Dwelling Units.**

Existing VDUs, in excess of the number allowed in §17.56.190.E22, or that do not meet the minimum distance between VDUs in the UR zone as required by §17.56.190.GF, that hold a valid VDU license issued by the City, shall be allowed to continue to operate under that VDU license as long as the permit is renewed in accordance with §17.56.190.D.2 unless or until such time as the permit is revoked pursuant to §17.56.190.L (violations) or 17.56.190.H.12 (minimum license activity requirement) or until the VDU license expires pursuant to 17.56.190.D.3 (property transfer). Each individual operating a VDU existing at the time the VDU Ordinance is adopted, including those currently holding a valid Trinidad Business License, shall be subject to the requirements of this Section of the Zoning Ordinance upon its adoption. The owner of an existing VDU which does not meet the requirements of this Section will not be issued a VDU License and shall not use the VDU structure for VDU purposes.

**17.56.190 (6.26).GF Location.**

VDUs-STR's are permitted only in legally established dwelling units within any Special Environment, Suburban Residential, Urban Residential, and Planned Development zoning districts. VDUs are also permitted in a legally established Accessory Dwelling Unit subject to meeting the requirements of this Section. Each separate VDU must obtain its own, individual VDU License. There shall be no more than one VDU per parcel unless a ~~Special Use Permit~~ is approved by the Planning Commission.

No new STR within the UR zone shall be located within 100feet from another existing STR. Distances shall be measured from the closest property line of the existing STR, to the closest property line of the property containing the proposed STR. This location standard can be modified through Planning Commission approval of a ~~Special Use Permit~~.

*(Note that these location exceptions are the only added exceptions in the ordinance. The only existing one was for parking. These exceptions will allow for the continued (or new) use of VDUs that are not causing problems but don't meet these new requirements. The use permit findings work well for VDUs since they focus on neighborhood compatibility and address issue of noise, traffic, lighting, etc. However, if licenses will be limited to 5 years and not transferable, then a new type of special permit will likely have to be created, because use permits legally run with the land.)*

#### **17.56.190 (6.26).GH Non-Permitted Uses.**

~~There shall be no permitted use of the VDU structure other than occupancy for dwelling, lodging, or sleeping purposes. Use for commercial events or events which are not hosted by the VDU's property owner are not permitted. No additional occupancy of the dwelling (with the exception of the property owner and private, non-paying guests) shall occur. An STR shall only be used for the purposes of occupancy as an STR or as a full-time occupied unit. No other use (e.g. home occupation, temporary event, homestay, etc.) shall be allowed on the site.~~

#### **17.56.190 (6.26).H VDU Standards**

All VDUs will be required to meet the following standards:

##### 1. Number of Occupants.

The maximum number of occupants allowed in a STRVDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants), ~~less any residents, tenants, hosts or caretakers.~~ Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. On properties that do not meet the minimum distance restriction of §1756.190.G, the maximum number of occupants allowed is two (2) persons per bedroom. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

##### 2. Off-Street Parking.

A VDU must provide at least one off-street parking space for every two occupants allowed in the VDU pursuant to Section 17.56.190 (6.26).H.1. The off-street parking space/s shall be entirely on the VDU property. VDU owner/operators shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception for the term of their permit. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

*(Note that the intent of these additions is to minimize parking impacts, but the second part would not be enforceable.)*

##### #. Guest Registry

The STR owner or manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names, and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

*(I don't know if this is really a standard, or if it should be in another section, such as licensing.)*

##### 3. Water Use.

To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that associated with the non-VDU use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the VDU License

and application materials to allow for verification that the VDU water use did not exceed allowable volumes as described above.

If the City determines that the VDU use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the VDU owner/operator shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the VDU.

#### 4. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

#### 5. Appearance and Visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16)). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

#### 6. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

#### 7. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the VDU.

#### 8. Visitors.

The number of visitors to a VDU shall be limited to not more than ~~20 the allowable occupancy persons, including occupants, per parcel of the STR~~ at any time. ~~If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU.~~ Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

#### 9. Noise.

Occupants of VDU properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

#### 10. Traffic.

Vehicles used and traffic generated by the VDU shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

#### 11. Tenancy.

The rental of a VDU shall not be for less than two successive nights.

12. Minimum Activity.

STRs and hosted STRs shall be rented for a minimum of 60 nights per year in order to maintain a VDU License. If the STR owner / manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

*(This requirement could go here or up in the license process section)*

132. Good Neighbor Brochure.

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and ~~to~~ shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

143. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

##. Transmittal of Rules

Prior to rental of an STR, the Responsible Person shall be provided with a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, the occupants can be fined by the City, lose their security deposit and / or be evicted. In addition, the STR owner or manager shall meet at least one occupant on the day of their arrival in order to ensure that the rules are understood, and that the occupants have represented themselves correctly.

*(Note that the idea of security deposits will have to be reviewed by the City Attorney and probably more added to the violations section to implement it.)*

##. Administrative Standards and Rules

(a) The City Manager shall have the authority to impose additional standard conditions, applicable to all Short Terms Rentals, or Types, as necessary, to achieve the objectives of this Section. A list of all such additional standard conditions shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

(b) The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk.

## Property Watch List

Notwithstanding the provisions of Subsection (##) above, upon a determination of good cause, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local Contact Persons, and their affected STRs on the Property Watch List; and (3) and removal of an STR from the Property Watch List.

**17.56.190 (6.26).I Tourist Occupancy Tax.**

The letting, leasing, or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

**17.56.190 (6.26).J Audit & Inspection**

Each owner and agent or representative of any owner shall provide access to each VDU for inspection and any records related to the use and occupancy of the VDU to the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

#### **17.56.190 (6.26).K                      Dispute Resolution.**

By accepting a VDU License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

#### **17.56.190 (6.26).L                      Violations**

##### 1. Penalty

Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) [the referenced section could also use a possible amendment] of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these VDU regulations by way of nuisance abatement action. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

##### 2. Revocation

If the VDU owner or property manager is deemed by City staff to be negligent in responding to an ~~emergency situation~~ complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the VDU License may be revoked. Documented, significant violations include, ~~but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.~~ No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the local contact person as set forth in the VDU application. Revocation may be temporary or permanent depending on the nature and number of the violations.

Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk's office by the Local Contact Person within two business days of being received.

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable to unwilling to rectify the situation within a timely manner, and / or when public safety personnel must be called to assist in resolving the situation. Examples of significant violations include, but are not limited to:

- (i) Failure of the local contact person, owner or manager to respond to a complaint within a timely manner [timely manner may need to be defined]
- (ii) The inability of City staff or the Sheriff's Dispatch to reach a contact person.
- (#) Failure to maintain or provide the required guest registry.
- (iii) Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H.
- (iv) Failure to notify City staff when the contact person or contact information changes.
- (v) Failure to pay fees or TOT in accordance with this Section.
- (vi) Providing false or misleading information on a VDU License application or other documentation as required by this Section.
- (vii) Violations of state or County, or City health regulations

Examples of acceptable documentation of significant violations include, but are not limited to:

- (i) Copies of citations, written warnings or other documentation filed by law enforcement.
- (ii) City file information.
- (iii) Advertisements for the VDU

- (iv) Signed affidavits and / or photographic evidence from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.—

3. The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

3. It is unlawful to make a false report to law enforcement regarding activities associated with vacation rentals.

**17.56.190 (6.26).M**

**Ordinance Review**

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

**ORDINANCE 2016-##, SECTION 2:**

Revise Chapter 17.56, Section 17.56.060, Home Occupations, (Article 6, Section 6.06, Home Occupations) to read, in context, as follows:

**17.56.060 Home occupations.**

Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, bookkeeping, rooming and boarding, of not more than two persons, including tourists, shall be permitted as an accessory use to any dwelling subject to the following conditions:...